

60130-1220  
01MMRA0210-CIPREMARKS

Applicant wishes to thank the Examiner for the detailed remarks. Claims 1, 3-7, and 9 have been amended. New claims 11-18 are presented. Accordingly, claims 1-18 are pending.

Applicant requests that provisional obviousness-type double patenting rejection be held in abeyance pending final determination of the claims.

Claims 1, 4, 7 and 8 were rejected under 35 U.S.C. §102(b) as being anticipated by *Moses* (6,122,948.) Applicant respectfully traverses this rejection. Initially, it should be understood that *Moses* relates to a hydroforming process wherein fluid forces the tube outward into the mold. (See *Moses* col 5, lines 6-9 and 38-61; Figure 6) Importantly, the *Moses* hydroforming process cannot in any way change the wall thickness from the originating material nor be utilized with tubing of various wall thickness. [See Figures 5, 9, 12 and 15]. Moreover, the hydroforming disclosed in *Moses* is particularly limited to relatively thin wall materials such as that of 1/8 inch or less.

Claim 1 has been amended to include forming a section of the cylindrical hollow member into a multi-wall thickness section. The Examiner suggests that specifying a multi-wall thickness length is a design choice. Of course, the Examiner does not cite to any prior art and this precludes a proper 35 U.S.C. §102(b) rejection. As described above, multi-wall thickness materials are simply inapplicable to a hydroforming process. This is particularly the case when combined with wall materials greater than 1/8 inch.

Claim 7 has been amended to recite forming the end into a kingpin boss. *Moses* discloses only welding a preformed boss thereto. Again, this is primarily related to *Moses* usage of a hydroforming process which cannot form a shape such as a king pin boss as disclosed in the present invention.

Claims 2, 5 and 10 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Moses*. The Examiner suggests that the order of the steps need not be performed in a particular

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order and that the order is a matter of design choice. This is simply not the case. A hydroforming process must be performed first. That is, the hydroforming process must be prior to bending or welding as the hollow member must be first located in a die to obtain the desired polygonal cross sectional shape. Such a shape cannot be obtained after bending or after access to the interior of the hollow member is prevented such as after king pin boss is welded in place. In particular, bending provides stress areas in which unequal force during hydroforming could rupture the material.

Claims 3, 6 and 9 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Moses* in view of *Ishikawa*. Applicant respectfully traverses these rejections as there is there absolutely no teaching, suggestion, or motivation to modify *Moses* in view of *Ishikawa* as proposed. Nothing in *Ishikawa* would suggest modifying *Moses* or vice versa. It is improper to modify the base reference in such a way that it ruins the goal or function of the base reference. The Examiner's proposed modification would do so.

*Ishikawa* discloses a reinforcement structure which is placed into a hollow member and then the hollow member is filled with a hardening resin which is at least partially supported by the reinforcement structure. [See col. 3, lines 39-49] By blocking the hollow member, the hydroforming step of *Moses* would be impossible. Conversely, the reinforcement structure cannot be slid into a non-straight member nor can the hard resin be changed in shape after setting up. That is, the hardened resin cannot be formed in any way after setting up in the hollow member as recited in the claims of the present invention. The combination is simply unworkable. Moreover, the combination certainly cannot be achieved simultaneously as disclosed and claimed by the present invention.

New claims 11-18 recite further features of the present invention which are neither disclosed nor suggested by the cited references and are thus properly allowable.

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Applicant believes that no additional fees are required; however, should any fees or extensions be required, the Commissioner is authorized to charge Deposit Account No. 50-1482, in the name of Carlson, Gaskey & Olds.

Applicant respectfully submits that this case is in condition for allowance. If the Examiner believes that a teleconference will facilitate moving this case forward to being issued, Applicant's representative can be contacted at the number indicated below.

Respectfully Submitted,

**CARLSON, GASKEY & OLDS, P.C.**



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Dated: May 12, 2003

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